

AN ORDINANCE

BY: ANNE FAUVER **As Amended by**
Committee on Council

02-0-0861

**AMENDING THE CODE OF ORDINANCES CHAPTER 2, ARTICLE VII,
DIVISION 2 STANDARDS OF CONTACT TO CLARIFY CERTAIN
INCONSISTENCIES AND ELIMINATE CONFLICTING PROVISIONS;
AND FOR OTHER PURPOSES.**

WHEREAS, the Council of the City of Atlanta adopted and the Mayor approved an ordinance establishing a new code of ethical standards of conduct of elected and appointed officials and employees; and

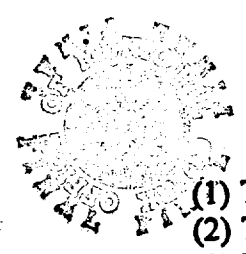
NOW, THEREFORE THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA
HEREBY ORDAINS AS FOLLOWS:

Section 1. That Chapter 2, Article VII, Division 2, Section 2-803(c) of the Code of Ordinances should be deleted. Section 2-803(f) should also be moved to become Section 2-803(a), and that Section 2-803 should further be amended to read as follows:

Sec. 2-803. Reporting violations

Any person who witnesses or becomes aware of a violation of this division may complaint of that violation as follows:

- (a) by appearing before a judge of the municipal court, the city solicitor or the solicitor's assistant and swearing out a complaint for the violation. Upon signing the complaint, under oath, a warrant may be issued by the municipal court for the accused to appear and answer the charges; or
- (b) by communicating with the ethics officer. Where a complaint is communicated anonymously to the ethics officer, such complaint shall be made in good faith, and with veracity and sufficient specificity so as to provide the ethics officer with salient and investigable facts. The ethics officer may require the anonymous complaint to be made in a manner and form that is intended only to obtain relevant facts related to the alleged violation of this division, and that is not designed to reveal the identity of the complainant; or
- (c) by filing a sworn written complaint with the ethics officer or the board of ethics, as described in this division. All written complaints to be considered by the board of ethics and the ethics officer shall contain the following if applicable:

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- (1) The name and address of the person or persons who file the complaint.
 - (2) The sworn verification and signature of the complainant.
 - (3) The name and address of the party or parties against whom the complaint is filed, and if such party is a candidate and the office being sought.
 - (4) A clear and concise statement of acts upon which the complaint is based along with an allegation that such facts constitute one or more violations of law under the jurisdiction of the board of ethics.
 - (5) A general reference to the statutory provision(s) of the Code within the jurisdiction of the board of ethics allegedly violated.
 - (6) Any further information which might support the allegations in the complaint including, but not limited to, the following:
 - (a) The name and address of all other persons who have firsthand knowledge of the facts alleged in the complaint; and
 - (b) Any documentary evidence that supports the facts alleged in the complaint.

(d) Preliminary Action on Complaint. Upon receipt of a complaint whether by the Ethics Officer or by the Ethics Board, the Ethics Officer or the Secretary of the Ethics Board shall send a written notice to the subject of the complaint by the next business day. Both this notice and any subsequent documents are subject to the Georgia Open Records Act.

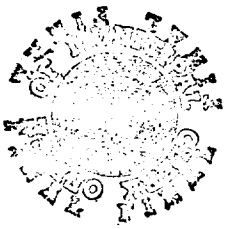
- (e) Defective Complaint.** Upon receipt of a *written, non-anonymous* complaint which does not conform to the applicable requirements of paragraph (c) of this section, the ethics officer shall by letter acknowledge receipt of the complaint and advise complainant of the defect in the complaint and that the complaint will not be considered by the board of ethics unless the defect is corrected.

Section 2. That Chapter 2, Article VII, Division 2, Section 2-803(e) should be amended to remove the words "non-defective" from line 2 and should be moved to become Section 2-806(c)(1) with the existing provision in Section 2-806(c) becoming Section 2-806(c)(2). Section 2-806 (c) will read as follows:

Sec. 2-806 Investigations and Hearings

The board of ethics shall conduct investigations into alleged violations of the ethics code, hold hearings and issue decisions as prescribed below:

- (c) (1) Preliminary Investigation of Complaint.** The ethics officer shall conduct a preliminary investigation of any complaint and provide a written report to the board of ethics discussing the ethics officer's findings and recommend to the board of ethics whether there is probable cause for belief that this division has been violated warranting a formal hearing.



(2) If the board determines after the preliminary investigation of a complaint that there does not exist probable cause for belief that this division has been violated, the board shall so notify the complainant and the subject of the investigation. If the board determines after a preliminary investigation of the complaint that there does exist probable cause for belief that this division has been violated, the board shall give notice to the person involved to attend a hearing to determine whether there has been a violation of this division.

A true copy,

Phonda Daughin Johnson
Municipal Clerk, OMC

ADOPTED as amended by the Council
APPROVED by the Mayor

MAY 20, 2002
MAY 28, 2002

RCS# 3768
5/20/02
4:09 PM

Atlanta City Council

Regular Session

02-O-0861

Amend Code to clarify certain
inconsistencies in Standards of Conduct
ADOPT AS AMEND

YEAS: 8
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 3
ABSENT 1

| | | | |
|-----------|-------------|-----------|------------|
| Y Smith | Y Archibong | N Moore | Y Mitchell |
| E Starnes | N Fauver | Y Martin | Y Norwood |
| E Young | N Shook | Y Maddox | B Willis |
| Y Winslow | E Muller | Y Boazman | NV Woolard |

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ADOPTED BY
MAY 20 2002

COUNCIL
As Amended

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred 5/6/02

Referred To: Committee on Council

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

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|---|---|
| Committee CVC | Committee |
| Date 5/2/02 | Date |
| Chair [Signature] | Chair |
| Action: Fav, Adv, Hold (see rev. side) | Action: Fav, Adv, Hold (see rev. side) |
| Other: Amended | Other: |
| Members [Signatures] | Members |
| Refer To [Signature] | Refer To |

| | |
|---|---|
| Committee | Committee |
| Date | Date |
| Chair | Chair |
| Action: Fav, Adv, Hold (see rev. side) | Action: Fav, Adv, Hold (see rev. side) |
| Other: | Other: |
| Members | Members |
| Refer To | Refer To |

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
MAY 20 2002

CLERK OF COUNCIL PRESIDENT

[Signature]

[Signature]

MAYOR'S ACTION

[Signature]
MAY 28 2002

MAYOR